

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: _____

RESOLUTION NO. _____ (2017)

- WHEREAS, the Eastern Band of Cherokee Indians has the sovereign authority to exclude persons from lands of the Eastern Band in order to protect the integrity, law and order of those lands and the welfare of the members of the Tribe; and
- WHEREAS, the Tribal Council has codified its authority to exclude persons from the lands of the Eastern Band at Chapter 2 of the Cherokee Code; and
- WHEREAS, CANDIDO MARTINEZ, with a birth date of 2/2/1985, is not a member of the Eastern Band of Cherokee Indians, and is a non-US citizen with a federal ICE detainer and is wanted for deportation;
- WHEREAS, CANDIDO MARTINEZ was found on tribal lands and at this time is charged with assault by pointing a gun, child abuse in the second degree, kidnapping, and failure to obey a lawful order of the court;
- WHEREAS, due to these charges the Tribal Council has good reason to believe that CANDIDO MARTINEZ is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members.
- NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled with a quorum present and with the number of votes required by Tribal law, that CANDIDO MARTINEZ is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands upon such release or transfer.
- BE IT FURTHER RESOLVED that this permanent exclusion prohibits CANDIDO MARTINEZ from entering on or being present on Tribal lands for any purpose except as required by a subpoena issued by Tribal Council or Tribal Court.
- BE IT FURTHER RESOLVED that if CANDIDO MARTINEZ is found improperly on Tribal lands at any time after the effective date of this resolution or upon his release or transfer from the Cherokee Detention Center, whichever is later, he shall be treated as a trespasser and appropriate legal action shall be taken against him.
- BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by The Cherokee Indian Police Department Chief of Police pursuant to Cherokee Code Chapter 2.